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January 6, 2006
VIA FACSIMILE

The Honorable Patti B. Saris
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
One Courthouse Way, Suite 2300
Boston, MA 02210

Re: *In Re: Pharmaceutical Industry Average Wholesale Price Litigation; MDL No. 1456;
International Union of Operating Engineers, Local No. 68 Welfare Fund
v. AstraZeneca Pharmaceuticals, L.P., et al.; C.A. No.: C-193-03*

Dear Judge Saris:

As counsel for Local 68, I write to request that the Court schedule the Motion for Remand in the above-referenced matter, which has been pending since July 2003, for oral argument along with the remand motions for the various states, which have been scheduled for January 27, 2006. While the undersigned is reluctant to correspond directly with the Court on this matter, when the undersigned appeared before this Honorable Court in April 2005, the Court, in conjunction with ordering new briefing on this remand issue (because the original remand briefing had become stale), suggested that in the future counsel should remind the Court of motions that had remained without disposition for some time.

Counsel for Local 68 submit that since its motion has been pending considerably longer than those of the states, its motion should be heard and ruled upon in advance of or simultaneously with those of the states. When the undersigned appeared in April 2005, I had indicated that plaintiff did not require oral argument on remand, but, that the Court could rule on the papers. However, in view of the Court's Memorandum and Order of August 19, 2005 (granting defendant discovery on the jurisdictional issue), defendant's outstanding motion to compel related thereto and defendant's recent filing of a Second Supplemental Memorandum of Law in Opposition to Motion for Remand,¹ plaintiff now respectfully requests that oral argument be heard on its motion for remand. (For the Court's information, I attach a timeline of the dates relevant to Local 68's motion for remand.)

Respectfully,


TERRIANNE BENEDETTO

TAB/jn

cc: All Counsel of Record (via LexisNexis)

¹ This latest brief was neither allowed for by the Court's oral instructions in April nor by the August 19, 2005 Memorandum and Order.

TIMELINE OF SIGNIFICANT EVENTS IN LOCAL 68 CASE

<u>Date</u>	<u>Event</u>
June 30, 2003	Complaint filed
July 3, 2003	Notice of Removal filed by Defendant, AstraZeneca
July 9, 2003	Motion for Remand filed by Local 68
July 9, 2003	Brief in Support of Motion for Remand filed by Local 68
July 15, 2003	Brief in Opposition to Motion for Remand filed by AstraZeneca
July 18, 2003	Joinder of Defendant, Saad Antoun M.D., in Plaintiff's Motion for Remand, or, in the Alternative, Motion to Remand Pursuant to 28 U.S.C. § 1448
July 18, 2003	Affidavit of Jack Fernandez, Esquire, counsel for Stanley C. Hopkins, M.D.
July 18, 2003	Reply Brief in further support of Motion for Remand filed by Local 68
August 4, 2003	Joinder of Defendant Stanley C. Hopkins, M.D., in Plaintiff's Motion for Remand or In the Alternative, Motion to Remand pursuant to 28 U.S.C. § 1448
September 9, 2003	Conditional Transfer Order
December 3, 2003	Final Transfer Order
February 10, 2005	Hearing at which co-counsel, Stephen Sullivan, requested a hearing on Local 68's remand motion
April 8, 2005	Hearing at which Court ordered supplemental briefing on issue of remand
April 22, 2005	Supplemental Brief in Support of Motion for Remand by Local 68 (rejected for failure to file electronically and refiled on June 1, 2005)
May 6, 2005	Supplemental Memorandum of Law in opposition to Plaintiff's Motion for Remand filed by AstraZeneca
August 19, 2005	Memorandum and Order

<u>Date</u>	<u>Event</u>
September 16, 2005	AstraZeneca served Requests for Production of Documents upon Local 68 (also served document requests upon doctor defendants and served subpoenas duces tecum and ad testificandum on doctors' counsel on or about this date)
September 19, 2005	Response of AstraZeneca Pharmaceuticals LP to Court Order dated August 19, 2005, with supporting Declarations of D. Scott Wise, Eric D. Gill and John C. Dodds
September 28, 2005	Plaintiff filed Motion for Immediate Remand Based upon Declarations
October 17, 2005	Plaintiff served its Responses and Objections to AstraZeneca's Request for Production of Documents
November 17, 2005	AstraZeneca filed its Motion to Compel
December 16, 2005	Plaintiff filed its Opposition to AstraZeneca's Motion to Compel
December 28, 2005	AstraZeneca filed its Second Supplemental Memorandum in Opposition to Motion to Compel